

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 6 March 2003 [shall come into force on 4 April 2003];
- 22 April 2004 [shall come into force on 1 May 2004];
- 8 February 2007 [shall come into force on 1 March 2007];
- 6 December 2007 [shall come into force on 5 January 2008];
- 16 December 2010 [shall come into force on 1 January 2011];
- 31 March 2011 [shall come into force on 27 April 2011];
- 18 April 2013 [shall come into force on 22 May 2013];
- 12 September 2013 [shall come into force on 1 January 2014];
- 28 November 2013 [shall come into force on 1 January 2014];
- 18 December 2014 [shall come into force on 31 December 2014];
- 18 May 2017 [shall come into force on 14 June 2017];
- 6 December 2018 [shall come into force on 13 December 2018];
- 29 October 2020 [shall come into force on 11 November 2020].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## Copyright Law

### Chapter I General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **author** - a natural person, as a result of whose creative activities a concrete work has been created;
- 2) **work** - the results of an author's creative activities in the literary, scientific or artistic domain, irrespective of the mode or form of its expression and its value;
- 3) **database** - a collection of independent works, data or other materials, which are arranged in a systematic or methodical way and are individually accessible by electronic or other means;
- 4) **fixation** - the embodiment of sound or image into material form, which provides a possibility to communicate it to the public, perceive or reproduce it by means of a relevant device;
- 5) **film** - an audio-visual or cinematographic work or moving images, whether or not accompanied by sound;
- 6) **film producer** - a natural or legal person who finances and organises the creation of a film and is responsible for its completion;
- 7) **phonogram** - fixation of the sounds of a performance, other sounds or representation of sounds;
- 8) **phonogram producer** - a natural or legal person who or which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representations of sounds;
- 9) **rights management information** - information provided by a holder of copyright or related rights, as well as a maker of a database, which identifies the holder of copyright or related rights, as well as the maker of a database and the object, and information regarding the terms and conditions of use of the object of copyright or related rights, as

well as databases, as well as any numbers or codes that represent such information;

10) **performer** - an actor, singer, musician, dancer, or other persons who act, read, sing, play, or otherwise perform literary or artistic works or expressions of folklore, provide stage, circus or puppet performances;

11) **distribution** - an activity by which the original or copy of the object of copyright or related rights is sold or otherwise alienated;

12) **disclosure** - an action by means of which a work is made available to the public for the first time, irrespective of its form;

1<sup>1</sup>) **accessible format copy** - a copy of a work or related rights object in an alternative format which gives a person with functional limitations access to the work or the related rights object, similarly as to a person without such limitations;

13) **publication** - any action, by means of which copies of an object of copyright or related rights are made available to the public with the consent of the holders of copyright or related rights, conforming to the condition that the number of copies shall satisfy a reasonable public demand in conformity with the nature of object of copyright or related rights; performances of dramatic, dramatic-musical or musical works, demonstrations of audio-visual works, public readings of literary works, the broadcasting of literary or artistic works, demonstrations of visual works or erected architectural works shall not be deemed to be publication of an object of copyright;

14) **communication to the public** - any action by means of which, either directly or through a relevant technical device, a work, performance, phonogram or broadcast is made available to the public;

15) **public performance** - the performance, playing or any other use of any work or other object protected by this Law, which is intended for several members of the public not personally related to the user or not personally interrelated, either directly or by means of any technical equipment or process;

16) **public lending** - an action by the user of the original or a copy of the work of an author, the fixation of a performance, a phonogram or a film, by means of which the object of copyright or related rights is made available through the intermediation of a publicly accessible institution to an unlimited number of people for a limited period of time, not for the purpose of gaining direct or indirect economic or commercial benefit;

17) **reproduction** - the making of one or more copies, by any means and in any form and scale, fully or partially, of an object of copyright or related rights, also short-term or long-term storage in electronic form of an object of copyright or related rights or a part thereof, as well as the making of three-dimensional copies of a two-dimensional object or two-dimensional copies of a three-dimensional object;

18) **reprographic reproduction** - the making of facsimile copies of a work, by any means of photocopying, except printing. Reprographic reproduction shall also be deemed the scanning or the making of facsimile copies by means of photocopying in an enlarged or reduced scale;

19) **technological measures** - technological protection measures (technologies, devices or the components thereof) used by a holder of copyright or related rights, as well as a maker of a database, which are normally used in order to restrict or prevent such activities with an object of copyright or related rights, as well as a database, which are not authorised by the holder of copyright or related rights, as well as the maker of the database. Technological measures shall be deemed effective where the holder of copyright or related rights, as well as the maker of a database control the use of an object of copyright or related rights, as well as a database through the application of an access control or a protection process (with encryption, scrambling or other transformation of the object of copyright or related rights or database work or a copy control mechanism which achieves the protection objective);

20) **original work of visual art** - a work of graphic or plastic art (paintings, collages, drawings, engravings, lithographs, sculptures, tapestries, ceramics or glassware, photographs and similar) if they are made by the author himself or herself, or also copies of the work, which are considered to be original works of visual art. Copies of the work which have been made in limited numbers by the author himself or herself or have been made with his or her permission shall be considered to be original works of visual art. Such copies shall normally have been numbered, signed, or otherwise appropriately designated by the author;

21) **seller of an original work of visual art** - a merchant (also a commission agent) who performs an auction or whose undertaking is an art gallery, an art salon, a store, an internet store, an auction house or the like, in which an original work of visual art is offered for purchase to a customer.

[22 April 2004; 8 February 2007; 18 April 2013; 6 December 2018]

## Section 2. Principles of Copyright

(1) Copyright shall belong to the author as soon as a work is created, regardless of whether it has been completed.

(2) Copyright shall apply to works of literature, science, art, and other works referred to in Section 4 of this Law,

also unfinished works, regardless of the purpose of the work and the value, form or type of expression.

(3) Proof of copyright ownership shall not require registration, special documentation for the work or conformity with any other formalities.

(4) Authors or their successors in title may indicate their rights to a work by means of a copyright protection symbol which shall be affixed in such a manner and in such a place so that it is clearly visible. Such a sign shall include three elements:

- 1) the letter "C" within a circle;
  - 2) the name (designation) of the copyright holder;
  - 3) the year of first publication of the work.
- (5) Copyright has the nature of moral and economic rights.

(6) Copyright shall be governed by the same legal rights as personal property rights within the meaning of the Civil Law, but it may not be an object of property claims.

### **Section 3. Scope of Copyright**

(1) Copyright to works that have or have not been disclosed in Latvia, but which exist in Latvia in any material form, shall belong to the authors or their heirs, as well as to other successors in title.

(2) Copyright to works that are simultaneously published in a foreign state and in Latvia shall belong to the authors and their heirs, as well as to other successors in title.

(3) In accordance with Paragraph two of this Section, a work shall be deemed published simultaneously in a foreign state and in Latvia if it has been published in Latvia within 30 days after its first publication in a foreign state.

(4) Copyright to works that have been disclosed in a foreign state in any material form shall be recognised as to citizens of Latvia and as to persons who are entitled to a non-citizen passport, or as to persons whose permanent residence (domicile) is in Latvia, as well as to the successors in title to such persons. Copyright to works that have been disclosed or otherwise made known in a foreign country in any material form shall be recognised as to other persons, in accordance with the international agreements binding on Latvia.

## **Chapter II Protected and Non-protected Works**

### **Section 4. Protected Works**

The objects of copyright, regardless of the manner or form of expression, shall comprise the following works of authors:

- 1) literary works (books, brochures, speeches, computer programs, lectures, addresses, reports, sermons and other works of a similar nature);
- 2) dramatic and dramatico-musical works, scripts and treatments of audio-visual works;
- 3) choreographic works and pantomimes;
- 4) musical works with or without lyrics;
- 5) audio-visual works;
- 6) drawings, paintings, sculptures and graphic art and other works of art;
- 7) works of applied art, decorative and scenographic works;
- 8) design works;
- 9) photographic works and works which are expressed by a process analogous to photography;
- 10) sketches, drafts and plans for buildings, structures and architectural works, models of buildings and structures, other architectural designs, city construction works and garden and park plans and models, as well as fully or partly constructed buildings and implemented city construction or landscape objects;
- 11) geographical maps, plans, sketches, and moulded works which relate to geography, topography and other sciences;

12) other works of authors.

### **Section 5. Protected Derivative Works**

(1) Without prejudice to the rights of authors as to the original work, the following derivative works shall also be protected:

1) translations and adaptations, revised works, annotations, theses, summaries, reviews, musical arrangements, screen and stage adaptations and similar works;

2) collections of works (encyclopaedias, anthologies, atlases, and similar collections of works), as well as databases and other compiled works which, in terms of selection of materials or arrangement, are the result of creative activity.

(2) Derived works shall be protected irrespective of whether the works from which they are derived or which are included within them can have copyright protection applied to them.

(3) Databases, the creation, obtaining, verification or presentation of which has required a substantial qualitative or quantitative investment (financial resources or consumption of time and energy), whether or not they are the objects of copyright, shall be protected in accordance with Chapter IX of this Law.

[22 April 2004; 18 May 2017]

### **Section 6. Non-Protected Works**

The following shall not be protected by copyright:

1) laws and regulations and administrative acts, other documents issued by State and local government institutions and court rulings (laws, court judgements, decisions, and other official documents), as well as official translations of such texts and official consolidated versions;

2) State approved, as well as internationally recognised official symbols and signs (flags, coats of arms, anthems, and awards) the use of which is subject to specific laws and regulations;

3) maps the preparation and use of which are determined by laws and regulations;

4) information provided in the press, radio or television broadcasts or other information media concerning news of the day and various facts and events;

5) ideas, methods, processes, and mathematical concepts.

[22 April 2004]

## **Chapter III Authors and their Successors in title**

### **Section 7. Copyright holders**

(1) The author of a work, co-authors, including authors of audio-visual works, authors of derivative works, their heirs and other successors in title may be copyright holders.

(2) Copyright holders may exercise the copyright to a work themselves or through their representatives (also through collective management organisations).

[18 May 2017]

### **Section 8. Presumption of Authorship**

(1) The person whose name or generally recognised pseudonym appears on a work communicated to the public or a published or a reproduced work shall be considered to be the author of the work, if it is not proven otherwise.

(2) If a work is communicated to the public or published without reference to the author, the editor shall act in the name and interests of the author, but if the editor is also not identified, then the publisher or the authorised representative of the author. This condition shall be in effect until the author of a work reveals his or her identity and claims authorship.

### **Section 9. Co-authors**

(1) If a work has two or more authors and the individual contribution of each author to the creation of the work

cannot be segregated as a separate work, copyright to the work shall belong to all the co-authors jointly.

(2) If the individual contribution of each author is a separate work, each author shall have copyright to his or her individual contribution as a separate work.

(3) Protection against copyright infringement may be realised by any of the co-authors, independently from the other co-authors.

(4) If one of the authors refuses to finish or, for reasons independent of the author, cannot finish his or her part in the creation of the work, he or she may not prevent the use of his or her part of the work in the completion of the work. Such author shall have copyright to his or her part of the work, as well as remuneration for it, unless specified otherwise by contract.

#### **Section 10. Compiler of a Composite Work**

(1) A compiler the result of whose creative activity is the selection or arrangement of materials, holds the copyright to the compilation of the composite work.

(2) Authors of works included in collections or other composite works shall each retain copyright to their respective work and may independently use it also separate from the collection or composite work.

(3) The copyright of a compiler shall not impose restrictions on other persons to independently make the selection and arrangement of the same works and material.

[18 May 2017]

#### **Section 11. Authors of Audio-visual Works**

(1) The authors of an audio-visual work shall be the director, the author of the script, the author of the dialogue, the author of a musical work (with or without lyrics) created for the audio-visual work, as well as other persons who, as a result of their creative activity, have contributed to the making of the work.

(2) The producer of a work may not be recognised as an author of an audio-visual work.

(3) The authors of an audio-visual work, except for the author of a musical work created for the audio-visual work, shall each retain moral rights to their work, but may not use it independently of the whole of the audio-visual work, if it is not specified otherwise by contract with the producer. The author of a musical work shall retain both the moral rights of an author and the economic rights of an author. The author of a script may use his or her work in a different type of work, unless specified otherwise by contract.

[18 May 2017]

#### **Section 12. Author of a Work Created in the Course of Employment**

(1) If an author has created a work performing his or her duties in an employment relationship, the moral and economic rights to the work shall belong to the author, except for the case specified in Paragraph two of this Section. The economic rights of the author may be transferred, in accordance with a contract, to the employer.

(2) If a computer program has been created by an employee while performing a work assignment, all economic rights to the computer program so created shall belong to the employer, unless specified otherwise by contract.

#### **Section 13. Author's Contract for a Commissioned Work**

(1) If an author's contract has been entered into for a commissioned work, the author must perform the commissioned work in accordance with the provisions of the contract and must provide the work for use by the commissioning party, within the term specified and according to the procedures indicated in the contract.

(2) It is the obligation of an author to personally perform the work commissioned from them.

(3) Co-authors may be invited and the composition of co-authors changed only with the written consent of the commissioning party if it is necessary for the performance of the work and is not provided for otherwise in the contract. If an author does not comply with the obligation to perform the work personally, the commissioning party may terminate the contract.

## **Chapter IV Rights of an Author**

#### **Section 14. Moral Rights of an Author**

(1) The author of a work has the inalienable moral rights of an author to the following:

1) authorship - the right to be recognised as the author;

2) a decision whether and when the work will be disclosed;

3) the revocation of a work - the right to request that the use of a work be discontinued, with the provision that the author compensate the losses which have been incurred by the user due to the discontinuation;

4) name - the right to require his or her name to be appropriately indicated on all copies and at any public event associated with his or her work, or to require the use of a pseudonym or anonymity;

5) inviolability of a work - the right to permit or prohibit the making of any transformations, changes or additions either to the work itself or to its title;

6) legal action (also unilateral repudiation of a contract without compensation for losses) against any distortion, modification, or other transformation of his or her work, as well as against such an infringement of an author's rights as may damage the honour or reputation of the author.

(2) None of the rights mentioned in Paragraph one of this Section may be transferred to another person during the lifetime of the author.

### **Section 15. Economic Rights of an Author**

(1) With respect to the use of his or her own work, an author, except for the author of a computer program or a database, has following exclusive rights:

1) to communicate the work to the public;

2) to publish the work;

3) to publicly perform the work;

4) to distribute the work;

5) to broadcast the work;

6) to retransmit the work;

7) to make the work available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

8) to lease, rent or to publicly lend originals or copies of a work, except for three-dimensional architectural works and works of applied art;

9) directly or indirectly, temporarily or permanently reproduce the work;

10) to translate a work;

11) to arrange, to adapt for stage or screen, or to otherwise transform a work.

(2) With respect to the use of a computer program, the author of a computer program has the following exclusive rights:

1) to distribute the computer program;

2) to make the computer program available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

3) to lease, rent or to publicly lend the computer program;

4) to temporarily or permanently reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, if permission for such action has been granted in writing by the rightholder);

5) to translate, adapt and in any other way transform the computer program and reproduce the results obtained thereby (insofar as it is not contrary to the rights of the person who transforms the computer program).

(3) With respect to the use of a database, the author of a database has the following exclusive rights to permit or prohibit:

1) the communication to the public or demonstration of the database;

2) the distribution of the database;

3) to make the database available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

4) the temporary or permanent reproduction of the database;

5) the translation, adaptation or transformation in any other way of the database, as well as the reproduction, distribution, communication to the public, demonstration or display of the results of such activities.

(4) The author has the right to use his or her work in any manner, to permit or prohibit its use, receive remuneration for permission to use his or her work and for the use of the work except for the cases provided for in law.

[22 April 2004]

#### **Section 16. Transfer of the Rights of an Author**

(1) The right to disclose and to use a work and to receive remuneration for the permission to use a work, and for the use of the work shall pass to the heirs of the author. The heirs of an author have the right to protect the moral rights of the author.

(2) Only the rights specified in Section 15, Paragraphs one, two, and three of this Law may be transferred to other successors in title (including legal persons).

(3) Copyright is not linked with property rights to the material object in which the work is expressed. Copyright to a work expressed in a material object shall be dissociated from possession of such work. Transfer of possession of a material object (also a copy of the first fixation of the work) shall not of itself result in the transfer of copyright to the work.

#### **Section 17. Inalienable Right of Authors to Receive Remuneration in the Case of the Public Resale of Original Works of Visual Art (*Droit de Suite*)**

(1) Authors shall retain inalienable rights to receive remuneration for alienated original works of visual art which have been transferred to the ownership of another person. An agreement in respect of which the author waives the right to remuneration in the future shall not be in effect. The transfer of ownership of the original work of visual art from the author to another person, with or without remuneration, shall be considered the first alienation of such a work.

(2) After the first alienation of the original work of art, the further public resale (by auction, or through the mediation of an art gallery, an art salon, a store, an Internet store, an auction house or similar enterprise) of the original work of visual art, the author has the right to receive a remuneration of:

- 1) 5% for the portion of the resale price up to 50 000 euros;
- 2) 3% for the portion of the resale price from 50 000.01 euros to 200 000 euros;
- 3) 1% for the portion of the resale price from 200 000.01 euros to 350 000 euros;
- 4) 0.5% for the portion of the resale price from 350 000.01 euros to 500 000 euros;
- 5) 0.25% for the portion of the resale price exceeding 500 000 euros.

(3) The amount of remuneration each time for one original work of visual art may not exceed 12 500.00 euros.

(4) The monetary amount (without tax) received by the seller of an original work of visual art shall be considered the sale price.

(5) The seller of an original work of visual art has a duty to pay remuneration to a collective management organisation which manages these rights, within 10 days after selling of the work, unless the agreement with the collective management organisation provides for another time limit for the payment.

(6) On the basis of a request from a collective management organisation managing these rights, the seller (also store, gallery, salon, etc.) has a duty to provide the information which is necessary in order to ensure management of the remuneration. Such a request may be made within three years after the sale of the original work of visual art.

(7) The owner of the original work of visual art has a duty to give the author of the alienated work a possibility to realise the right to reproduce the work, as well as to exhibit the work in a personal exhibition. The author has a duty himself or herself to ensure the preservation of the work in delivering it to and from the place of reproduction or exhibition, unless specified otherwise by contract.

(8) The rights referred to in this Section shall be applied to foreign authors and their heirs only in such case if the specific country protects the public resale rights of original works of visual art of Latvian authors and their heirs.

(9) After the death of the author, the rights referred to in this Section shall be devolved to the heirs of the author.

[22 April 2004; 8 February 2007; 6 December 2007; 12 September 2013; 28 November 2013; 18 May 2017]

### **Section 17.<sup>1</sup> Banknotes**

(1) The Bank of Latvia holds the copyright of lat banknotes. The Bank of Latvia copyright does not affect the right of the author of the images used on the banknotes to be recognised as the author thereof.

(2) It is prohibited to reproduce banknotes in any way, except for the case where the Bank of Latvia, the European Central Bank, the central bank or country which has emitted such banknotes has provided written permission or the requirements of the Bank of Latvia, the European Central Bank or the relevant country for the reproduction of banknotes. Restrictions on the economic rights of authors shall not apply to banknotes.

[22 April 2004]

## **Chapter V Restrictions on the Economic Rights of an Author**

### **Section 18. Principles of Restrictions on Economic Rights of an Author**

(1) The right of an author to permit or prohibit the use of his or her work and receive remuneration for its use may be restricted in cases specified by this Law.

(2) The restrictions on the economic rights of an author determined in this Law shall be applied in such a way that they are not contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author.

(3) In case of doubt, it shall be considered that the right of an author to the use of the work or to the receipt of remuneration is not restricted.

(4) If a user of the work has the right to use the work in the cases specified in Section 20, Paragraph one, Clause 1, Sections 21-24 and 27 of this Law, but he or she cannot implement these rights due to the effective technological measures used by the author, he or she has the right to request that the author gives access to such works taking into account the restrictions of the rights of an author. The author may refuse to provide such a possibility if the use of the work is contrary to the provisions of Paragraph two of this Section.

(5) If the user of the work and the author cannot reach an agreement in respect of the provisions of Paragraph four of this Section, they may apply to a mediator.

[22 April 2004; 18 December 2014]

### **Section 19. Use of a Work of an Author without the Consent of the Author and without Compensation**

(1) Copyright shall not be considered infringed if a work of an author is used without the consent of the author and without compensation in accordance with the procedures laid down this Law:

1) a work is used for informational purposes;

2) a work is used for educational and research purposes;

3) a work is used for the benefit of a person with functional limitations;

3<sup>1</sup>) a certain work is used for the benefit of persons who are blind or with other reading difficulties;

4) a work is used for the benefit of libraries, archives, and museums;

5) a work is reproduced for the purposes of judicial proceedings;

6) a use is made of a work that is publicly accessible or on display;

7) a work is used in a public performance during official or religious ceremonies, as well as in teaching institutions as part of a face-to-face teaching process;

8) a work is used ephemerally by broadcasting organisations;

9) a work is parodied or caricatured;

10) computer programs are used for reproduction, translation, and other transformation;



11) to ensure the interoperability of a computer program;

12) the alienation of a work to another person occurs repeatedly, except for as provided for in Section 17 of this Law.

(2) [22 April 2004]

[22 April 2004; 6 December 2007; 6 December 2018]

### **Section 19.<sup>1</sup> Public Lending of a Work**

(1) Copyright shall not be deemed to be infringed if without the consent of the author, but with the payment of just compensation to him or her, the published work is used for public lending.

(2) The procedures for calculating the amount of compensation referred to in Paragraph one of this Section in relation to the libraries of the State, local governments or other derived public persons and in relation to private libraries, as well as the procedures for disbursing the compensation and the proportional distribution among authors, performers, phonograph producers and film producers shall be determined by the Cabinet.

(3) Compensation for the use of a published work for public lending in libraries of the State, local governments, derived public persons and in private libraries shall be paid into the account in a credit institution indicated by the collective management organisation.

[22 April 2004; 8 February 2007; 18 May 2017]

### **Section 20. Use of a Work for Informational Purposes**

(1) It being mandatory that the title of the work and the name of the author to be used are indicated and that the provisions of Sections 14 and 18 of this Law are observed, it is permitted:

1) to reproduce works communicated to the public and published in the form of quotations and fragments for scientific, research, polemical, critical purposes, as well as use in news broadcasts and reports of current events to the extent justified by the purpose;

2) to publish, to broadcast or otherwise make known publicly given political speeches, addresses, announcements and other analogous works, to the extent justified by the informational purpose;

3) to fixate, communicate to the public and publish current events by photographic works; for a broadcasting organisation - to broadcast works which have been seen or heard in the course of current events, to the extent justified by the informational purpose.

(2) The provisions of this Section shall not apply to computer programs.

[22 April 2004; 6 December 2007]

### **Section 21. Use of a Work for Educational and Research Purposes**

(1) It being mandatory that the title and name of the author of the work are indicated and that the provisions of Section 18 of this Law are conformed to, it is permitted to use disclosed or published works or their fragments in textbooks which are in conformity with educational standards, in radio and television broadcasts, in audio-visual works, in visual aids and the like which are specially created and used in the face-to-face teaching and research process in educational and research institutions for non-commercial purposes to the extent justified by the purpose of their activity.

(2) The provisions of this Section shall not apply to computer programs.

### **Section 22. Use of a Work for the Benefit of a Person with Functional Limitations**

Without the consent of the author and payment of the compensation, in accordance with the provisions of Section 18, Paragraph two of this Law, an accessible format copy of the notified work may, for non-commercial purposes, be made and reproduced, distributed, and published for persons with functional limitations, insofar as it is necessary in the case of the relevant limitation of such persons.

[6 December 2018]

### **Section 22.<sup>1</sup> Use of Certain Works for the Benefit of Persons who are Blind or with Other Reading Difficulties**

(1) A person who is blind or with other reading difficulties, within the meaning of this Law, regardless of any other functional limitations is a person who meets at least one of the following criteria:

1) is blind;

2) has a visual impairment which prevents the person from reading printed works to substantially the same degree as a person without such an impairment and which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment;

3) has a perceptual disability or other reading difficulty preventing the person from reading printed works to substantially the same degree as persons without such disability;

4) due to a physical disability, is unable to hold or manipulate a book, focus or move their eyes to the extent that would be normally acceptable for reading.

(2) The competent authority within the meaning of this Law is an authority which provides education or access to information for persons who are blind or with other reading difficulties on a non-profit basis. Public authorities and non-profit organisations which provide educational and information access services to persons who are blind or with other reading difficulties, and such services are one of the main activities or obligations of the abovementioned authorities or one of the tasks they perform in the public interest, are also recognised as competent authorities.

(3) A person who is blind or with other reading difficulties, or a person who acts in his or her interests, in accordance with the provisions of Section 18, Paragraph two of this Law, may, without the consent of the author and payment of compensation, make an accessible format copy of a disclosed printed work expressed in any format, including in audio format, or a musical work noted as sheet music, and the illustrations included in such works for the benefit of a person who is blind or with other reading difficulties.

(4) The competent authority may, without the consent of the author and payment of compensation, in accordance with the provisions of Section 18, Paragraph two of this Law, for non-commercial purposes:

1) make accessible format copies of the works indicated in Paragraph three of this Section to be used for the benefit of a person who is blind or with other reading difficulties;

2) communicate, make available, distribute, or lend an accessible format copy to a person residing in a European Union Member State who is blind or with other reading difficulties or to the competent authority established in a European Union Member State.

(5) Upon making an accessible format copy, its maker has an obligation to respect the integrity of the work, except for where the transformation of the work is necessary to make it available to persons who are blind or with other reading difficulties.

(6) A person who is blind or with other reading difficulties and the competent authority are entitled to obtain or access an accessible format copy from any competent authority established in a European Union Member State.

(7) The competent authority established in Latvia which carries out the activities specified in Paragraph four or six of this Section with accessible format copies in respect of persons residing in other European Union Member States who are blind or with other reading difficulties or the competent authorities established in a European Union Member State:

1) shall take the appropriate measures to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies;

2) shall handle works and their accessible format copies with due diligence and maintain records of the activities carried out therewith;

3) shall publish and update on its website or through other forms of public disclosure information on how it fulfils the obligations laid down in Clauses 1 and 2 of this Paragraph;

4) upon request shall submit the following information to the persons who are blind or with other reading difficulties, to other competent authorities, or to copyright holders:

a) the list of the works held thereby in accessible format copies and the available formats of these works,

b) the names and contact information of the competent authorities with which it exchanges accessible format copies.

[6 December 2018]

### **Section 23. Use of Works for the Benefit of Libraries, Archives and Museums**

(1) In accordance with the provisions of Section 18 of this Law, each library, archives or museum are entitled to make one copy of a work existing in their permanent collection by means of reproduction, without a direct or indirect commercial purpose, in order to preserve it or to replace a work from the permanent collection of the relevant or any other library, archives or museum if such work has been damaged or has become unusable on the condition that it is

not possible to obtain a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases. Only such works that have been published in Latvia and are not available commercially are permitted to be reproduced in a digital format, unless an agreement with the author determines otherwise.

(2) Without the consent of the author, libraries, archives and museums of the State, local governments or of other derived public persons are entitled, without a direct or indirect commercial purpose, to make available the works in their permanent collection, as well as copies thereof made in accordance with Paragraph one of this Section, upon request for the use for scientific research or for self-education purposes, to natural persons who have authorised access to computers specifically set up in the premises of the relevant library, archives or museum. Such service shall be ensured by the relevant library, archives or museum by using exclusively the intranet that has special protection.

(3) The provision of Paragraph two of this Section shall also apply to the registered libraries of the State, local governments and other derived public persons that have access in a closed network to the Latvian Digital Library and are included in the joint State library information system.

(4) In order to ensure the fulfilment of the provision of Paragraph two of this Section and the payment of compensation in accordance with Section 19.<sup>1</sup> of this Law, State and local government libraries shall maintain records of the units issued to the users of the libraries in accordance with the provisions of Section 15 of the Library Law.

(5) The provisions of this Section shall not apply to computer programs.

[6 December 2007]

#### **Section 24. Reproduction of a Work for Purposes of Judicial Proceedings**

(1) Reproduction of a work is permitted to the extent justified, for purposes of judicial proceedings, without the permission of the author and without compensation to the author.

(2) The provisions of this Section shall not apply to computer programs.

#### **Section 25. Use of a Work on Public Display**

(1) It is permitted to use images of works of architecture, photography, visual arts, design, as well as of applied arts, permanently displayed in public places, for personal use and as information in news broadcasts or reports of current events, or include in works for non-commercial purposes.

(2) That which is referred to in this Section shall not apply to cases when the image of a work is an object for further repetition of the work, for broadcast by broadcasting organisations or for the purpose of commercial use of the image of a work.

[22 April 2004; 6 December 2007]

#### **Section 26. Free Use of a Work in a Public Performance**

In conformity with the provisions of Section 18, Paragraph two of this Law, a work may be performed in public without the consent of the author and without the payment of remuneration:

1) during official and religious ceremonies, to the extent justified by the nature of the ceremony;

2) within the framework of the implementation of an educational programme, to an extent that corresponds to the teaching process and for non-commercial purposes, with a mandatory indication of the title and the name of the author of the work being used, and provided that the work is performed in public to an audience consisting of only the teachers, students or persons directly associated with the implementation of the relevant educational programme.

[6 December 2007]

#### **Section 27. Free Recordings for Ephemeral Use by Broadcasting Organisations**

(1) In conformity with the provisions of Section 18, Paragraph two of this Law, a broadcasting organisation may make ephemeral recordings of works which the organisation has the right to use in broadcasting, if the broadcasting organisation makes such recordings on its own account for its own use.

(2) The broadcasting organisation has the obligation to destroy such recordings within one month after their preparation, if there has not been an agreement with the author regarding a longer storage time.

(3) Recordings of works that have a particular documentary or cultural and historical significance may be preserved in official archives without an agreement with the author of the work, but the use of such a work requires the permission of the author.

[22 April 2004]

## **Section 28. Reproduction of a Work for Technical Use in a Broadcasting Organisation**

[22 April 2004]

## **Section 29. Restrictions Regarding the Rights of Reproduction, Translation, Adaptation and any other Transformation of Computer Programs**

(1) If not specified otherwise by contract, and the right to use a computer program has been lawfully obtained, its reproduction, translation, adaptation or any other transformation and the reproduction of the results of such activities shall not require any special permission from the copyright holder, as long as such activities (including correction of errors) are necessary for the purpose of the intended use of the computer program.

(2) A contract entered into with a person who has lawfully acquired the right to use a computer program may not prohibit the making of a back-up copy, if such copy is necessary for the use of the computer program.

(3) A person who has the right to use a computer program may, without the permission of the copyright holder, observe, study or test the functioning of the program in order to discover the ideas and principles which underlie any element of the computer program, if such person does so while demonstrating, using, broadcasting or storing.

[22 April 2004]

## **Section 30. Ensuring the Interoperability of Computer Programs**

(1) The permission of the copyright holder shall not be required, if, without reproducing the code of the computer program or modifying its form, it is not possible to obtain the necessary information in order to achieve the interoperability of an independently created computer program with other computer programs. Such use shall be permitted, if the following provisions are observed in their entirety:

1) a person who has lawfully acquired the right to use a copy of the computer program performs the relevant activities;

2) the information necessary to achieve interoperability has not been easily accessible beforehand;

3) only those parts of the computer program which are necessary to achieve interoperability, are subject to such activities.

(2) In accordance with the provisions of Paragraph one of this Section, the information obtained may not be:

1) used for purposes other than to achieve interoperability with an independently created computer program;

2) disclosed to other persons, except for the cases when it is necessary to achieve interoperability with an independently created computer program;

3) used with the intention of developing, producing or selling a substantially similar computer program, or for any other activity whereby copyright is infringed.

[22 April 2004]

## **Section 31. Restrictions with Respect to Databases**

(1) A lawful user of a database or of a copy thereof may perform any action which is necessary in order to access the contents of the databases and its use. If the lawful user is authorised to use only part of the database, the abovementioned provision shall apply only to that part.

(2) Agreements which are contrary to the provisions of this Section shall not be in effect.

## **Section 32. Exhaustion of Distribution Rights**

The right to distribute a work shall be exhausted from the moment when such work is sold or otherwise alienated in the European Union for the first time if it has been done by the author himself or herself, or with his or her consent. This condition applies only to works embodied in concrete material objects or the copies thereof and which are sold or otherwise alienated.

[22 April 2004]

## **Section 33. Temporary Reproduction of a Work**

It is permitted to temporarily reproduce a work without the consent of the author and without compensation if the reproduction of the work is an integral part and an essential component of a technological process and the purpose of the reproduction is to permit the sending of the work performed by the intermediary to a data network between third persons or the lawful use thereof, and if such reproduction has no independent economic significance.

[22 April 2004; 6 December 2007]

### **Section 34. Blank Tape Levy**

(1) Without the permission of the author, a natural person shall be permitted to reproduce (including in a digital format) in one copy works that have been included in lawfully acquired films or phonograms or in other form of expression that is to be protected, as well as visual works for personal use without direct or indirect commercial purpose. Third persons shall not be involved in the production of such copy. The author is entitled to receive a fair compensation (blank tape levy) for the production of such copy.

(2) The blank tape levy for the reproduction for personal use shall be paid by the manufacturers of equipment and blank recording media to be used for such reproduction and by persons who import them in Latvia.

(3) The blank tape levy shall not be paid if the equipment and blank recording media referred to in Paragraph two of this Section is imported for professional use by broadcasting organisations or the equipment and blank recording media are imported wholesale for reproduction of works for commercial purposes, as well as where natural persons import such equipment and blank recording media for non-commercial purposes.

(4) If the equipment and blank recording media referred to in Paragraph two of this Section are exported unused from Latvia, persons who have paid the blank tape levy have the right to receive it back.

(5) The seller of the equipment and blank recording media referred to in Paragraph two of this Section, on the basis of a request from a collective management organisation, has a duty to prove that the blank tape levy for the abovementioned equipment and blank recording media has been paid.

(6) If a seller cannot prove that the blank tape levy has been paid, the seller shall pay such levy. In such case, the seller is entitled to bring a subrogation action against the manufacturer or the person who imported the referred to equipment and blank recording media into Latvia.

(7) The amount of the blank tape levy, procedures for collection, repayment and payment of the levy, as well as proportional distribution among authors, performers and phonogram and film producers shall be determined by the Cabinet.

(8) The provisions of this Section shall not apply to computer programs and data bases.

[22 April 2004; 6 December 2007; 18 May 2017]

### **Section 35. Compensation for Reprographic Reproduction of Works**

(1) Natural persons shall be permitted to reprographically reproduce published works, except for sheet music, for personal use without direct or indirect commercial purpose without the permission of the author. Persons who have in their ownership or possession the equipment intended for reprographic reproduction and who ensure the availability of such reproduction to natural persons for a fee or free of charge shall be allowed to reprographically reproduce works for the benefit of and for the personal use of a natural person. Authors and publishers are entitled to receive a fair compensation for reprographic reproduction.

(2) The compensation for reprographic reproduction shall be paid by persons in whose ownership or possession there is the equipment intended for reprographic reproduction and who ensure the availability of such reproduction to natural persons for a fee or free of charge.

(3) The amount of compensation to be paid for reprographic reproduction, and also the procedures for its collection, repayment and disbursement shall be determined by the collective management organisation according to an agreement with the persons, or an association thereof, referred to in Paragraph two of this Section.

(4) The Cabinet shall set up a commission representing the public administration and shall agree with the collective management organisation on the criteria for determining the relevant compensation and its amount. The composition of the commission shall include representatives of the Ministry of Culture, the Ministry of Education and Science, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, and the Ministry of Finance. The agreement reached by the Commission shall be approved by the Cabinet.

(5) Compensation shall be collected, distributed and paid to the authors and publishers by a single collective management organisation that has obtained a permit from the Ministry of Culture in accordance with Law on Collective Management of Copyright.

(6) The collected compensation shall be distributed among authors and publishers on the basis of the printed publications included in the unified National Catalogue which have been delivered to the National Library of Latvia in accordance with the Legal Deposit Law and in conformity with the following conditions:

1) in distributing the compensation, the number of works included in the National Catalogue and the information compiled by the National Library of Latvia regarding the number of printed sheets shall be taken into consideration,

whereas the content of the works shall not be taken into consideration;

2) authors and publishers shall agree on proportional distribution separately for periodical publications and non-periodical publications, in conformity with the provisions of Paragraph one of this Section.

[6 December 2007; 16 December 2010; 18 December 2014; 18 May 2017]

## Chapter VI Term of Copyright

### Section 36. General Provisions Regarding the Term of Copyright

(1) Copyright shall be in effect for the entire lifetime of an author and for 70 years after the death of an author, except for the cases specified in Section 37 of this Law.

(2) If the country in which the work has been created is not a Member State of the European Union according to Article 5, Paragraph 4 of the Berne Convention for the Protection of Literary and Artistic Works and the author of the work is not a citizen of the European Union, the term of protection of this work in the European Union shall expire on the date of expiry of the protection granted by the country of origin, but it shall not exceed the term specified in Paragraph one of this Section.

[6 December 2007]

### Section 37. Term of Copyright for Particular Types of Works

(1) Copyright to audio-visual works shall be in effect for 70 years after the death of the last of the following persons:

- 1) the director;
- 2) the author of the script;
- 3) the author of the dialogue;
- 4) the author of a musical work created for an audio-visual work.

(2) Copyright to a work that has legally become available to the public anonymously or under a pseudonym shall be in effect for 70 years from the time when it has legally become available to the public. If during the time referred to the author of a work whose work has legally become available to the public anonymously or under a pseudonym reveals his or her identity, or if there is no doubt about the identity, Section 36, Paragraph one of this Law shall apply.

(3) Copyright to a work created by co-authors shall be in effect for the duration of the lives of all the co-authors and for 70 years after the death of the last surviving co-author.

(4) As to authors, whose works were prohibited in Latvia or the use of which was restricted from June 1940 to May 1990, the years of prohibition or restriction shall be excluded from the term of the copyright.

(5) Copyright to works, whose term of copyright begins at the moment of legal publication and which are published in volumes, parts, instalments or sections, shall be in force separately for each volume, part, instalment or section.

(6) A work, the term of protection of which is not calculated from the moment of the death of the author or authors, protection shall expire if within 70 years after the creation of such a work it has lawfully not become accessible to the public.

(7) Any person, who after expiration of a copyright lawfully publishes or communicates to the public a previously unpublished work, shall acquire rights which are equivalent to the economic rights of an author and shall be in effect for 25 years from the first publication or the communicating to the public of the work.

[22 April 2004]

### Section 38. Calculation of the Duration of Copyright

The beginning of a copyright term provided for in this chapter shall begin on 1 January of the year following the moment of the creation of rights (legal fact) and shall expire on 31 December of the year in which the terms referred to in Sections 36 and 37 of this Law expire.

### Section 39. Works to which Copyright has Expired

(1) Works in respect of which copyright has expired may be freely used by any person, observing the right of the author to a name and inviolability of the work in accordance with the provisions of Section 14 of this Law.

(2) Remuneration shall not be paid to the author for the use of such works.

## **Chapter VII Rights to the Use of Works**

### **Section 40. Rights to the Use of Works**

(1) To obtain the right to use a work, it is necessary for the user of the work, for each type of use and each time it is to be used, to receive the permission of the copyright holder. It is prohibited to use works if permission of the copyright holder has not been received, except for the cases specified in law.

(2) The permission of the copyright holder shall be issued both as a licensing agreement and as a licence.

(3) Before using a work, the user of the work must enter into a licensing agreement or obtain a licence for the use of the work.

(4) The document which certifies the right to the use of a work shall be in possession of the organiser of a concert, performance, attraction or event at least 10 days prior to the relevant event.

(5) Upon request from a copyright holder, users of works have a duty to provide information regarding the works used in the amount requested by the copyright holder. The right of a collective management organisation to receive information regarding the use of the works and the procedures for requesting it shall be determined in the Law on Collective Management of Copyright.

*[22 April 2004; 6 December 2007; 18 May 2017]*

### **Section 41. Licensing Agreements**

(1) A licensing agreement is an agreement by means of which one party - the copyright holder - gives permission to the other party - the user of the work - to use a work and specifies the type of use of the work, thereby agreeing on the provisions for the use, the amount of remuneration, the procedures and the term for the payment of remuneration.

(2) In a licensing agreement, the grant of a licence for the use of a work in one or more specified ways may be provided for, as well as the right to grant a licence to third parties (sub-licence). The particular rights may be transferred completely or partially. If the agreement does not so specify, a licence shall be limited to such actions as arise from the agreement and which are necessary for achieving the purpose of the agreement.

(3) If the amount of remuneration is not specified in the licence, in case of a dispute it shall be determined upon discretion of the court.

### **Section 42. Types of Licences**

(1) A licence constitutes permission to use the particular work in such a way and in accordance with such provisions as are indicated in the licence. A licence may be non-exclusive, exclusive or compulsory.

(2) A non-exclusive licence gives the recipient of the licence the right to undertake activities indicated in the licence concurrently with the author or other persons who have received or will receive a relevant licence.

(3) An exclusive licence gives the right to conduct the activities specified in the licence solely to the recipient of the licence.

(4) A compulsory licence is issued by a collective management organisation, and such licence gives the right to use the works of all the authors represented by such organisation.

*[18 May 2017]*

### **Section 43. Form of Licences and Licensing Agreements**

(1) All licences shall be issued in writing.

(2) A licensing agreement may be entered into either orally or in writing.

The following licensing agreements shall be entered into in writing:

- 1) a publishing contract;
- 2) a contract for the communicating to the public of a work;
- 3) a contract for creating an audio-visual work;

4) a contract specifying such rights as are included in a compulsory licence or an exclusive licence.

#### **Section 44. Term of a Licensing Agreement or a Licence**

(1) The term for which a licensing agreement is entered into or for which a licence is issued shall be determined by agreement of the parties.

(2) If a licensing agreement which has been entered into or a licence which has been issued is not restricted as to time, the author or other copyright holder may terminate the licensing agreement or revoke the licence, giving a notice six months in advance.

(3) A provision in a licensing agreement or a licence according to which the author relinquishes the rights specified in Paragraph two of this Section is void.

#### **Section 45. Territory in which a Licensing Agreement or a Licence is in Effect**

(1) A licensing agreement or a licence must indicate the territory in which it is in effect.

(2) If a licensing agreement or a licence does not indicate the territory in which it is in effect, it shall be in effect in the country where the licensing agreement was concluded or the licence was issued.

#### **Section 46. Rental of a Work**

(1) An author shall retain the right to receive just remuneration for a rental even if he or she has transferred to a producer the rental rights to a phonogram, the original of the audio-visual work or copies thereof.

(2) If an author has transferred to a producer the rental rights to a phonogram, the original of the audio-visual work or copies thereof, the author shall retain the right to receive remuneration for their rental.

(3) An agreement according to which the author relinquishes the right to receive remuneration for a future period shall not be in effect.

## **Chapter VIII Related Rights**

#### **Section 47. Objects and Holders of Related Rights**

(1) Related rights are the rights of performers, phonogram producers, film producers and of broadcasting organisations.

(2) The related rights objects are performances, and their fixations, phonograms, films and broadcasts.

(3) The rightholders specified in this Section are performers, phonogram producers, film producers, and broadcasting organisations or their successors in title and heirs.

(4) Cable operators who only retransmit the broadcasts of other broadcasting organisations are not holders of related rights.

(5) Phonogram producers, film producers and broadcasting organisations shall exercise their rights within the framework of those rights which, in contracts with authors and performers, have been granted for the objects of copyright or related rights. Permission for the use of a related rights object, obtained from one holder of related rights, shall not constitute a substitute for permission that must be obtained from another holder of related rights and from the author of the work. The permission of an author and of a performer is not mutually interchangeable.

(6) Holders of related rights shall exercise the rights specified in this Section, conforming to the rights of authors of the works.

(7) No formalities are necessary to affirm related rights. Performers, phonogram producers and film producers may use, on copies of phonograms or their packaging, a sign consisting of two elements: the letter "P" within a circle and the year of the first publication of a phonogram or of the year of the fixation of a film.

(8) Persons whose name, pseudonym or designation are indicated on a related rights object, attached thereto or appear in association with the related rights object, shall be deemed to be holders of related rights if not proven otherwise.

(9) The rights of holders of related rights shall not be associated with ownership rights to a material object in which the related rights object are expressed or included. The rights of holders of related rights shall be separated from the possession of the material object. The devolvement of the possession of the related rights object by itself shall not create the devolvement of the rights of the holder of related rights.



(10) In relation to the use of a related rights object, the provisions of Sections 40-45 of this Law shall be applied.

(11) Holders of related rights shall exercise their rights directly, through an authorised person, or through collective management organisations.

[22 April 2004; 18 May 2017]

#### **Section 48. Rights of Performers**

(1) [22 April 2004]

(2) A performer, irrespective of his or her economic rights, as well as in the case where economic rights are transferred, regarding his or her performance and the fixation thereof has the right:

1) to require that he or she be identified as a performer, except for the cases when such right is not possible due to the type of use of the performance;

2) to object to any distortion, modification or other transformation of his or her performance which may harm the reputation of the performer.

(3) With respect to their performance, performers shall have exclusive rights to:

1) broadcasting or communicating to the public the performance, except for the cases when the performance has already been broadcast;

2) fixation of a performance that has not been previously fixed;

3) distribution of the fixation of a performance;

4) broadcasting or retransmission by cable of the fixation of a performance;

5) making available to the public of the fixation of a performance, by wire or otherwise, in an individually selected location and at an individually selected time;

6) lease, rent, or public lending of the fixation of a performance;

7) directly or indirectly, temporarily or permanently reproduce the fixation of a performance;

(4) If performers individually or collectively enter into a contract with a film producer for the creation of an audio-visual work, the performers may be considered to have transferred their rental rights to the producer, if the contract does not specify otherwise.

(5) If a performer has transferred his or her rental rights, with respect to a phonogram or the original or copy of an audio-visual work, or may be deemed in accordance with Paragraph four of this Section, to have transferred their rental rights to the phonogram or film producer, the performer shall retain the right to receive just remuneration for such rental. An agreement regarding a waiver of right to receive remuneration for a future period shall be void.

(6) The collection, apportionment and payment of the indicated remuneration shall be done in accordance with Section 51, Paragraph three of this Law.

(7) For permission granted to use a performance, and for its use, a performer shall be paid just remuneration. The remuneration shall be paid to the performer or to an authorised collective management organisation.

(8) [22 April 2004]

(9) If the phonogram producer does not offer copies of the phonogram for sale in sufficient quantity or does not make it available to the public, by wire or wireless means, in such a way that it could be accessible from a place individually chosen and at a time individually chosen, the performer has the right to terminate a contract by which he or she has transferred to the phonogram producer the right to fixation of his or her performance, notifying thereof 12 months in advance, if all of the following conditions are met:

1) 50 years have passed since lawful publishing or lawful communication to the public of the phonogram, if the phonogram has not been published;

2) within 12 months after the performer has notified the phonogram producer regarding his or her intention to terminate the contract, the phonogram producer does not offer copies of the phonogram for sale in sufficient quantity and does not make it available to the public, by wire or wireless means, in such a way that it could be accessible from a place individually chosen and at a time individually chosen.

(10) If the performer terminates a contract in accordance with the procedures laid down in Paragraph nine of this Section, by which he or she has transferred to the phonogram producer the right to fixation of his or her performance,

the right of the phonogram producer to the phonogram shall expire. An agreement of the performer and the phonogram producer regarding the performer refusing the right to terminate a contract, by which the performer has transferred to the phonogram producer the right to fixation of his or her performance, shall be null and void.

(11) If performances of a plurality of performers are fixed in a phonogram, performers may exercise the right laid down in Paragraph nine of this Section to terminate a contract with the phonogram producer jointly only, including with the intermediation of a joint representative. None of performers may refuse, without sufficient justification, other performers whose performances are fixed in the phonogram to exercise the right laid down in Paragraph nine of this Section to terminate a contract

(12) If the performer has transferred to the phonogram producer the right to fixation of his or her performance for non-recurring remuneration, the performer has the right to receive an annual supplementary remuneration from the phonogram producer in the amount of 20 per cent from the revenue obtained by the phonogram producer in the year prior to payment of the abovementioned supplementary remuneration by reproduction, distribution and making available of the relevant phonogram, by wire or wireless means, in such a way that it could be accessible from a place individually chosen and at a time individually chosen. If performances of a plurality of performers are fixed in a phonogram, the total amount of the annual supplementary remuneration to be paid to performers shall conform to 20 per cent from the revenue of the phonogram producer referred to in this Paragraph. In calculating the amount of the annual supplementary remuneration, the revenue of the phonogram producer prior to making of any deductions shall be taken into account.

(13) A performer has the right to receive the annual supplementary remuneration indicated in Paragraph twelve of this Section for each calendar year, starting from the following year after the fiftieth year when the phonogram has been lawfully published or, if it has not been published, it has been lawfully communicated to public. An agreement by which the performer refuses the right to receive the annual supplementary remuneration shall be null and void. The right to receive the annual supplementary remuneration shall be managed by one collective management organisation.

(14) Upon request the phonogram producer has a duty to provide the performer or his or her authorised collective management organisation with all the information which is necessary for ensuring payment of the annual supplementary remuneration referred to in Paragraph twelve of this Section, including to provide information regarding the revenue obtained by the phonogram producer from the use of the relevant phonogram.

(15) If the performer has transferred the right to fixation of his or her performance to the phonogram producer for recurring remuneration, the phonogram producer may not deduct advance payments or any other deductions laid down in the contract with the performer from payments intended for the performer after the end of the following time periods:

- 1) 50 years after such phonogram is published in which the performance of the performer is fixed;
- 2) 50 years after lawful communication to the public of the phonogram, if the phonogram has not been published.

[22 April 2004; 28 November 2013; 18 May 2017]

#### **Section 49. Contract for Creation of an Audio-visual Work**

(1) By a contract for the creation of an audio-visual work, the performer transfers to the film producer his or her rights to the fixation, communication to the public and reproduction of his or her performance. The film producer shall not have the right to use separately sounds or images fixed in the audio-visual work, if it is not specified otherwise in the contract. The contract for the creation of an audio-visual work shall be entered into in writing.

(2) A contract for the creation of an audio-visual work shall provide for remuneration to the performer for each type of use of the particular work.

[22 April 2004]

#### **Section 50. Rights of Film Producers**

Film producers have exclusive rights in respect of the original of the film or copies thereof to:

- 1) distribute;
- 2) retransmit by cable;
- 3) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;
- 4) lease, rent, or publicly lend;
- 5) directly or indirectly, temporarily or permanently reproduce the original of the film or copies thereof.

[22 April 2004]

## **Section 51. Rights of Phonogram Producers**

Phonogram producers have exclusive rights in respect of the phonograms or copies thereof to

1) distribute;

2) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;

3) lease, rent or publicly lend, also in the cases where the distributor thereof is the phonogram producer himself or herself or such has occurred with his or her consent;

4) directly or indirectly, temporarily or permanently reproduce the phonograms or copies thereof.

(2) [22 April 2004]

(3) The collection of remuneration for the lease, rental and public lending of phonograms, its apportionment and payment shall be carried out by collective management organisations authorised by performers and phonogram producers. The remuneration amounts paid by users in conformity with the provisions of this Section shall be divided between the phonogram producer and the performers in equal parts, if it is not specified otherwise in the contract between the collective management organisations.

[22 April 2004; 18 May 2017]

## **Section 52. Use of Phonograms Published for Commercial Purposes**

(1) Performers and phonogram producers have the right to receive just compensation for the use of phonograms published for commercial purposes. The use shall include broadcasting, publishing, public performance, publishing of broadcasts consisting of phonograms published for commercial purposes, retransmission by cable and other ways of publishing. As a phonogram published for commercial purposes shall be deemed also such phonograms that are made legally accessible to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time.

(2) A document that confirms the conformity with the rights provided for in Paragraph one of this Section shall be with the user at the time when he or she uses phonograms published for commercial purposes.

[22 April 2004; 6 December 2007]

## **Section 53. Rights of Broadcasting Organisations**

(1) Broadcasting organisations, with respect to their broadcasts, shall have exclusive rights to:

1) make broadcasts for a charge or in locations which are accessible to the public for a charge, or in locations where the owners or possessors use the broadcasts to attract customers;

2) the transmission of a signal carrying the programme with the assistance of any other broadcasting organisation, cable operator, or some other distributor;

3) the acquisition of any photographic image of the screen from a broadcast (photograph of the screen) if it is not done for personal use, and any duplication or distribution of such photographs

4) retransmission of broadcasts by cable;

5) making a broadcast or the fixation thereof available to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time;

6) fixation of any broadcasts by means of sound or video recording equipment, direct or indirect, temporary or permanent reproduction of a fixation of a broadcast and any distribution of such fixations.

(2) A broadcasting organisation shall receive remuneration for permission to use broadcasts and for their use in the cases specified in Paragraph one of this Section.

(3) A broadcasting organisation has the right to broadcast and communicate to the public such audio-visual works and phonograms which were lawfully included in its archives until the coming into force of the Law on Copyright and Related Rights (15 May 1993), paying the remuneration to the holders of copyright and related rights in conformity with the amounts of remuneration specified by the collective management organisation.

[22 April 2004; 6 December 2007; 18 May 2017]

## **Section 54. Restrictions on Rights of the Holders of Related Rights**

(1) It is allowed to restrict the right of a holder of related rights to permit or to prohibit the use of a related rights

object and to receive compensation for the use thereof in the cases specified in this Law.

(2) The restrictions provided for in this Law shall be applied in such a way that they are not in contradiction with the provisions for normal use of a related rights object and do not unjustifiably restrict the lawful interests of the holders of related rights.

(3) Related rights shall not be deemed infringed if, without permission of the holders of related rights and without the payment of compensation, the related rights object is used and fixed:

1) in short segments that are included in news broadcasts and in reports of current events, in amounts appropriate for informative purpose;

2) for other purposes specified in Sections 21, 22, 22.<sup>1</sup>, 24, 25, 26, 27, and 33 of this Law in respect of the restriction of the economic rights of authors;

3) in the cases specified in Section 23 of this Law, provided that it is only allowed to reproduce in a digital format such films and phonograms that have been published in Latvia and are not available in circulation, unless specified otherwise by the agreement with the holders of related rights.

(4) Related rights shall not be deemed infringed if, without the permission of the holder of related rights but with the payment of fair compensation to him or her, films, phonograms, as well as related rights objects included in a film or a phonogram are used for public lending. The procedures for paying the compensation shall be determined in Section 19.<sup>1</sup>, Paragraphs two and three of this Law.

(5) Without the consent of the holder of related rights a natural person shall be permitted to reproduce (including in a digital format) in one copy lawfully acquired films or phonograms, as well as related rights objects included in a lawfully acquired film or phonogram for personal use, without direct or indirect commercial purpose. Third persons shall not be involved in the production of such copy. Holders of related rights are entitled to receive fair compensation (blank tape levy) for the production of the copy referred to in Paragraph one of this Section. The procedures for paying the blank type levy shall be determined in Section 34, Paragraphs two to seven of this Law.

(6) If the use of the related rights object in accordance with the provisions specified in Paragraph two of this Section is not possible due to the effective technological means utilised by the holder of related rights, the provisions of Section 18, Paragraphs four and five of this Law shall be applicable.

(7) The right of holders of related rights to control the distribution in the European Union of the fixation of his or her performance, phonogram or film or the copies thereof shall expire on the date when they are sold or otherwise alienated in the European Union for the first time, if done by the holder of related rights himself or herself or with his or her consent. This condition shall apply only to those related rights objects included in concrete material media and the copies thereof which have been sold or otherwise alienated.

[6 December 2007; 6 December 2018]

## **Section 55. Term of Related Rights**

(1) The rights of performers shall be in effect for 50 years from the first performance. If during this time a fixation of the performance in a phonogram is lawfully published or communicated to the public, the term of protection shall be in effect 70 years from the day of such publication or communication to the public of the phonogram, depending on which action was the first. If during this time the performance is not fixed in a phonogram, but is fixed in another way, then the term of protection shall be in effect 50 years from the day of the relevant lawful publishing or communication to the public, depending on which action was the first. The moral rights of performers shall be in effect as long as the economic rights are in effect.

(2) The rights of a film producer shall be in effect for 50 years from when the fixation was made. If during this time a film has been lawfully published or communicated to the public, the term of protection shall be 50 years from the day of such publishing or communication to the public, depending on which action was the first.

(2<sup>1</sup>) The rights of a phonogram producer shall be in effect for 50 years from when the fixation was made. If during this time a phonogram has been lawfully published or, if it has not been published, communicated to the public, the term of protection shall be 70 years from the day of such publishing or communication to the public.

(3) The rights of broadcasting organisations shall be in effect for 50 years from the first transmission of a broadcast.

(3<sup>1</sup>) The term of protection laid down in Paragraphs one, two, 2.<sup>1</sup> and three of this Section shall also be in effect if the rightholder is not a citizen of the European Union but at least one Member State of the European Union ensures protection to him or her. Such term of protection shall expire on the date when the protection granted by the state whose citizen the rightholder is expires, but shall not be longer than the term specified in Paragraphs one, two, 2.<sup>1</sup> and three of this Section, unless otherwise provided by international agreements binding for Latvia.

(4) The term for related rights provided for in this Section shall begin on 1 January of the year following the year in which the rights were created (legal fact) and shall end on 31 December of the year in which the time referred to in this Section ends.

[22 April 2004; 6 December 2007; 28 November 2013 / See Paragraph 2 of Transitional Provisions]

#### **Section 56. Scope of Related Rights**

(1) The rights of performers shall be recognised if one of the following conditions is met:

1) the performer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;

2) the performance occurred in Latvia;

3) the performance is fixed in a phonogram which is protected in accordance with the provisions of Paragraph two of this Section;

4) a performance that is not fixed in a phonogram, has been included in a broadcast of a broadcasting organisation which is protected in accordance with the provisions of Paragraph four of this Section.

(2) The rights of phonogram producers shall be recognised if one of the following conditions is met:

1) the producer of a phonogram is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;

2) the first sound fixation was made in Latvia;

3) the publication or making available to the public of the phonogram has occurred in Latvia.

(3) The rights of film producers shall be recognised if one of the following conditions is met:

1) the film producer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;

2) the first fixation of the film was made in Latvia.

(4) The rights of broadcasting organisations shall be recognised in accordance with this Chapter if the official location of the broadcasting organisation is Latvia.

(5) The rights provided for in this Chapter shall be recognised for foreign natural and legal persons in accordance with international agreements binding on Latvia.

[22 April 2004]

## **Chapter IX**

### **Special Aspects of Protection of Databases (*sui generis*)**

#### **Section 57. Rights of a Maker of a Database**

(1) As the maker of such database, in the creation, verification, and formation of which there has been substantial qualitative or quantitative investment (Section 5, Paragraph two) shall be recognised the natural or legal person which has undertaken initiative and the investment risk regarding the making of a database.

(2) The maker of a database has the right to prevent the following regarding the entire contents of the database or such parts of which may be qualitatively or quantitatively regarded as substantial:

1) extraction which means the permanent or short-term (temporary) transfer of all or a substantial part of the contents of a database to another location by any means or in any form;

2) re-use which means any form of making available to the public all or a substantial part of the contents of a database by the distribution of copies, by rental, by providing on-line or other forms of transmission.

(3) Public lending is not an act of extraction or re-use.

(4) The repeated and systematic extraction and re-use of non-essential parts of the contents of a database if such is done by acts which conflict with a normal use of such database or which unreasonably prejudice the lawful interests of the maker of the database are not permitted.

## **Section 58. Rights and Obligations of Users of a Database**

(1) A lawful user of a database which is available to the public has the right to extract or re-use, for any purposes, parts of its content that may be regarded as qualitatively or quantitatively non-essential parts of its contents. This condition shall apply only to such part of a database which a lawful user is permitted to extract or re-use.

(2) A lawful user of a database which is available to the public shall comply with the rights of the holders of copyright or related rights related to the works or materials contained in the database.

(3) A lawful user of a database which is available to the public may not perform acts that conflict with the normal exploitation of the database or unreasonably prejudice the lawful interests of the maker of the database.

## **Section 59. Restrictions to Rights of Protection of Databases**

(1) Without the consent of the maker of a database which is available to the public the lawful users of a database may:

1) extract the contents of a non-electronic database for personal use;

2) extract a substantial part of the contents of a database for the purposes of education or scientific research, mandatorily indicating the source, moreover only to the extent necessary for the non-commercial purpose to be achieved;

3) extract or re-use a substantial part of the contents of a database for the purposes of State security, as well as for the purposes of administrative or judicial proceedings.

(2) The right of the maker of a database to control the resale of the database in the European Union shall be exhausted at the moment when the database is sold or otherwise alienated in the European Union for the first time, if it has been done by the maker of the database himself or herself, or if it has been done with his or her consent. This condition shall apply only to those objects included in concrete material media or the copies thereof which are sold or otherwise alienated.

[22 April 2004]

## **Section 60. Term of Rights of Protection of Databases**

(1) The rights specified in Section 57, Paragraph two of this Law shall be in effect for 15 years from the day when the formation of a database was completed. The term shall begin on 1 January of the year following the day of the formation of the database.

(2) If a database has been made available to the public before the expiration of the term specified in Paragraph one of this Section, the term of protection shall begin on 1 January of the year following the day when the database was first made available to the public and shall be in effect for 15 years.

(3) If any changes that may be regarded as qualitatively or quantitatively substantial are made in the contents of the database, as well changes in it resulting from the accumulation of successive additions, deletions or changes as a result of which it may be considered that a new investment which may be regarded as qualitatively or quantitatively substantial, has been made, such database has the right to its own term of protection, and the provisions of Paragraphs one and two of this Section shall apply.

## **Section 61. Scope of Rights of Protection of Databases**

(1) The rights of the maker of a database - a natural person - shall be recognised, if he or she is a Latvian citizen or a person who is entitled to a Latvian non-citizen passport, a citizen of another Member State of the European Union or if Latvia or another Member State of the European Union is their permanent place of residence (domicile) or if he or she has a permanent residence permit.

(2) The rights of a maker of a database - a legal person - shall be recognised, if such legal person has been established in accordance with the laws and regulations of Latvia or another Member State of the European Union, and its legal address, administration or principal place of activities is in the European Union. If a legal person has only its legal address in the territory of Latvia or another Member State of the European Union, the operations of such person must be linked on an ongoing basis with the economy of Latvia or the relevant Member State of the European Union.

(3) If a database is formed outside Latvia and the provisions of Paragraph one and two of this Section are not applicable to it, such database shall be protected on the basis of international agreements binding on Latvia.

[22 April 2004]

## **Section 62. Protection of Rights of Makers of Databases**

The rights of makers of databases shall be protected in accordance with the provisions of Chapter XI of this Law.

[22 April 2004]

## Chapter IX.<sup>1</sup> Use of Orphan Works

[18 December 2014]

### Section 62.<sup>1</sup> Orphan Works

(1) In conformity with that laid down in this Chapter libraries, educational institutions, and museums, as well as archives, institutions, the functions of which include preservation of film or sound recordings, and public broadcasting organisations shall be permitted the following in relation to orphan works included in their collections, without the consent of the holders of copyright and related rights:

1) to reproduce in order to make their copies in digital format, to index, catalogue, preserve or restore, to make legally accessible to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time;

2) make available to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time.

(2) Within the meaning of this Law orphan works are works included in the collections of libraries, educational institutions, and museums, as well as archives and such institution, the functions of which include preservation of film or sound recordings, and related rights objects which have been published or broadcasted for the first time in any European Union Member State and the rightholders of which could not be identified or found after diligent search:

1) works published in the form of books, journals, magazines, newspapers or other writings;

2) audiovisual works, including cinematographic works, and their fixations;

3) phonograms;

4) works and related rights objects which are included in the works and related rights referred to in this Paragraph.

(3) Within the meaning of this Law orphan works are also works included in the archives of public broadcasting organisations which have been created until 31 December 2002, including cinematographic works, their fixations and phonograms, as well as works and related rights objects which have been included in the abovementioned works and related rights objects if the respective works and related rights objects have been published or broadcasted for the first time in any European Union Member State and the rightholders thereof could not be identified or found after diligent search.

(4) Works and related rights objects which have not been published or broadcasted may be used in accordance with the procedures laid down in this Section, if the authority referred to in Paragraph one of this Section which wishes to use them, with a permission of the respective rightholder has made them accessible to the public otherwise and there are grounds to assume that the rightholders would not have objected to the use indicated in Paragraph one of this Section.

(5) Works and related rights objects which have several rightholders from which not all could be identified and found after diligent search may be used as orphan works, if the rightholders identified and found have agreed to the use indicated in Paragraph one of this Section.

(6) The authorities referred to in Paragraph one of this Section are entitled to use orphan works only in the amount which is necessary to achieve the objectives related to the tasks of such authorities which are performed thereby in public interests, particularly in order to preserve or restore the works and related rights objects included in their collections, as well as to ensure access to their collections for the purpose of disseminating culture and promoting learning, including in digital format. Using orphan works, the authorities referred to in Paragraph one of this Section shall indicate the identified authors and other rightholders.

(7) The authorities referred to in Paragraph one of this Section are entitled to obtain revenue from the use of orphan works only in such amount as would cover the costs which have arisen to such authorities in making copies of the respective works or related rights objects in digital format and making them legally accessible to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time.

[18 December 2014]

### Section 62.<sup>2</sup> Diligent Search for Rightholders and Documentation Thereof

(1) The rightholders referred to in Section 62.<sup>1</sup> of this Law of each work and related rights object shall be searched with the utmost diligence in order to determine whether it is an orphan work. The rightholders shall be searched with diligence before the use of the respective work or related rights object is commenced, and it shall be performed in good faith, using the sources of information referred to in Paragraph eight of this Section, including in the European Union Member State in which the respective work or related rights object was published or broadcasted for the first time, except for the cases indicated in Paragraphs two and three of this Section. If there are grounds to assume that information regarding rightholders is available in another country, also the sources of information available in this state shall be used within the scope of diligent search for rightholders.

(2) If the location or permanent place of residence (domicile) of the producer of an audiovisual, including cinematographic, work is in a European Union Member State, the rightholder of such work shall be searched with diligence in the respective Member State.

(3) The rightholders of the works and related rights objects referred to in Section 62.<sup>1</sup>, Paragraph four of this Law shall be searched with diligence in the European Union Member State, in which economic activity is performed by an institution, which has made the respective work or related rights object available to the public with a permission of the rightholder.

(4) Diligent search for rightholders shall be performed by the institution referred to in Section 62.<sup>1</sup>, Paragraph one of this Law or its authorised third party.

(5) The authority which performs diligent search for rightholders or has authorised a third party for this purpose shall document the course and results of the search in order to justify that the rightholder has been searched for diligently. After diligent search the respective authority shall send to the Latvian National Library:

1) the diligent search results of a rightholder which justify the recognition of the work or related rights object as an orphan work;

2) information regarding the types, in which the authority is using the orphan work;

3) information regarding termination of the status of an orphan work or any changes in the status in relation to a work or related rights object used by the authority;

4) the contact information of the authority, including its name, address, electronic mail address, and telephone number.

(6) The Latvian National Library after receipt of the information referred to in Paragraph five of this Section shall forward it, without delay, to the European Union agency "European Union Intellectual Property Office".

(7) Rightholders of such works and related rights objects need not be searched for which are indicated as orphan works in the database of the European Union agency "European Union Intellectual Property Office".

(8) The sources of information to be used within the scope of diligent search for rightholders, upon consulting with the collective management organisations, other organisations of holders of copyright and related rights, and the authority referred to in Section 62.<sup>1</sup>, Paragraph one of this Law, shall be determined and updated by the Ministry of Culture. The Ministry of Culture shall publish the list of sources of information and amendments thereto in the official gazette *Latvijas Vēstnesis* and make it public on its website.

[18 December 2014; 18 May 2017]

### **Section 62.<sup>3</sup> Termination of the Status of an Orphan Work**

(1) The rightholders, which could not be identified or found after diligent search and whose works or related rights objects have been recognised as orphan works or made equivalent thereto in accordance with Section 62.<sup>1</sup>, Paragraph five of this Law, have the right to request that the institution, which performed the search for rightholders, terminates the status of an orphan work in relation to the particular work or related rights object. Such request must be justified.

(2) After receipt of the request referred to in Paragraph one of this Section the authority which performed diligent search for rightholders in relation to the respective work or related rights object shall examine, without delay, such request and terminate the status of an orphan work, discontinuing the use of the respective work or related rights object and informing the Latvian National Library regarding termination of the status.

(3) If the institution, which performed diligent search for rightholders, does not exist anymore, the rightholders, which could not be identified or found after diligent search and whose works or related rights objects have been recognised as orphan works or made equivalent thereto in accordance with Section 62.<sup>1</sup>, Paragraph five of this Law, have the right to request that the Latvian National Library terminates the status of an orphan work in relation to the particular work or related rights object.



(4) The rightholders referred to in Paragraph one of this Section are entitled to receive a fair compensation for the use of the work or related rights object from the authority which used the respective work or related rights object.

(5) Upon determining the amount of the compensation referred to in Paragraph four of this Section, the following shall be taken into account:

- 1) the amount and purpose of the use of the work or related rights object;
- 2) the tasks performed in public interests and significance of the use in the performance of such tasks;
- 3) the non-commercial nature of the use;
- 4) the potential harm which has been caused by the use of the work or related rights object to the rightholder.

(6) The authority which has an obligation to disburse the compensation referred to in Paragraph four of this Section to the rightholder shall agree with the rightholder on the amount of the compensation and disburse it in a reasonable period of time, but not later than within a year after receipt of the request of the rightholder, transferring it to the settlement account indicated by the rightholder.

[18 December 2014]

## **Chapter X Collective Management**

[18 May 2017]

### **Section 63. General Provisions for Collective Management**

[18 May 2017]

### **Section 64. Scope of Rights of a Collective Management Organisation of Economic Rights**

[18 May 2017]

### **Section 65. Functions of Collective Management Organisations of Economic Rights**

[18 May 2017]

### **Section 66. Duties of Collective Management Organisations of Economic Rights**

[18 May 2017]

### **Section 66.<sup>1</sup> Duty of Collective Management Organisations of Economic Rights to Conform to Specific Criteria in Determining the Remuneration**

[18 May 2017]

### **Section 67. Supervision of the Activities of Collective Management Organisations of Economic Rights**

[18 May 2017]

## **Chapter X.<sup>1</sup> Mediators**

[18 May 2017]

### **Section 67.<sup>1</sup> Disputes Subject to a Mediator**

An interested party is entitled to turn to a mediator if:

- 1) the user and the collective management organisation have a dispute regarding the use of works or related rights objects, including regarding entering into a licensing agreement or provision of information regarding the use;
- 2) the association of users and the collective management organisation have a dispute regarding entering into an agreement in respect of the use of the works or related rights objects of represented rightholders;
- 3) a cable operator and a broadcasting organisation cannot agree on retransmission by cables;

4) there is a dispute regarding multi-territorial licensing of rights in musical works for online use in the case indicated in the Law on Collective Management of Copyright;

5) the user and the holder of copyright or related rights cannot agree on access to works or related right objects in any of the cases referred to in Section 18, Paragraph four of this Law.

[18 May 2017]

### **Section 67.<sup>2</sup> Selection of a Mediator and Agreement with a Mediator**

(1) The process of the mediator shall be managed by one or several mediators. The parties may agree on the candidatures of mediators or regarding the procedures by which mediators are invited or appointed. If the parties cannot agree on the candidatures of mediators or on the procedures by which they are invited or appointed, one or several mediators from the list of professional mediators may be recommended by the Minister for Culture on the basis of a written request from the parties. The Minister for Culture shall select a mediator or mediators from the list of professional mediators and inform the parties thereon within 10 days after the day of receipt of the request from the parties.

(2) A mediator shall be selected so as no doubts regarding his or her independence and objectivity could arise.

(3) A written agreement shall be entered into with the selected mediator. The following shall be indicated in the agreement with the mediator:

- 1) the consent of the parties and the mediator for the use of the mediator procedure;
- 2) the essence of the dispute;
- 3) the rights and obligations of the parties and the mediator;
- 4) the provisions for payment of the mediator service and expenses for the mediator procedure;
- 5) other information that the parties and the mediator deem to be necessary.

(4) During the mediator procedure the agreement with the mediator may be amended provided that the parties and the mediator agree to it.

(5) Unless it is otherwise provided for in the agreement with the mediator, the parties shall cover expenses for the mediator procedure in equal amount.

[18 May 2017]

### **Section 67.<sup>3</sup> Requirements to be Brought Forward for a Professional Mediator**

(1) The following natural person may be a professional mediator:

1) who is a citizen of Latvia or another European Union Member State, or a citizen of the European Economic Area State or the Swiss Confederation, or a non-citizen of Latvia;

2) who is a proficient user of the official language at the highest level;

3) who has an impeccable reputation;

4) who has acquired at least academic master's degree or professional master's degree and appropriate professional qualification or other qualification conforming to level 7 of the European Qualification Framework laid down in the education classification of Latvia;

5) who has experience of at least three years in the field of copyright.

(2) A person may not be a professional mediator if she or he:

1) has provided false information in order to be included in the list of professional mediators;

2) fails to comply with the requirements laid down in Paragraph one of this Section;

3) has been convicted for committing an intentional criminal offence or against whom criminal proceedings for committing an intentional criminal offence on the basis other than exoneration have been terminated;

4) is a suspect or accused in a criminal matter;

5) according to the court judgment may not provide mediation services or services of a professional mediator.

[18 May 2017]

#### **Section 67.<sup>4</sup> Submission Regarding Inclusion in the List of Professional Mediators**

(1) A person who wishes to be included in the list of professional mediators, shall provide the following in the application to the Ministry of Culture:

- 1) the given name and surname;
- 2) the field of activity (no more than 500 characters) in which he or she is competent to provide mediator services;
- 3) the working languages;
- 4) the work experience in the field of copyright;
- 5) the contact information, including electronic mail address and telephone number;
- 6) whether she or he agrees to publication of a photography if any is appended to the submission, in the case indicated in Section 67.<sup>5</sup>, Paragraph six of this Law;
- 7) confirmation that the person conforms to the requirements indicated in Section 67.<sup>3</sup>, Paragraph one of this Law;
- 8) the request to include his or her data in the list of professional mediators.

(2) The documents confirming the conformity of the person with the requirements indicated in Section 67.<sup>3</sup>, Paragraph one of this Law shall be appended to the submission regarding inclusion in the list of professional mediators. The photography of the relevant person may be appended to the submission in electronic form.

[18 May 2017]

#### **Section 67.<sup>5</sup> List of Professional Mediators**

(1) The Ministry of Culture shall maintain the list of professional mediators.

(2) The data shall be included in the list of professional mediators on the basis of the data indicated in the written submission of the relevant person.

(3) A person shall be included in the list of professional mediators for four years. Not later than three months before the end of the time period the person may ask to renew his or her status of professional mediator for the next four year.

(4) The following data regarding the mediator shall be included in the list of professional mediators:

- 1) the given name and surname;
- 2) the field of activity;
- 3) the working languages;
- 4) the contact information, including electronic mail address and telephone number;
- 5) upon consent of the mediator - his or her photography.

(5) A professional mediator shall immediately notify the Ministry of Culture in writing regarding the detected mistakes and any amendments to the data which were included regarding him or her in the list of professional mediators.

(6) The list of professional mediators shall be available to any interested person. The Ministry of Culture shall publish the list of professional mediators, and also any amendments thereof on its website.

[18 May 2017]

#### **Section 67.<sup>6</sup> Exclusion of the Mediator from the List of Professional Mediators**

A mediator shall be excluded from the list of professional mediators if he or she:

- 1) has provided false data in order to be included in the list of professional mediators;
- 2) has been recognised as guilty of committing an intentional criminal offence or criminal proceedings have been terminated against him or her regarding committing an intentional criminal offence on the basis other than exoneration;
- 3) according to the court judgment he or she may not provide mediation or mediator services;

- 4) no longer complies with the requirements laid down in Section 67.<sup>3</sup>, Paragraph one of this Law;
- 5) has submitted a request to exclude him or her from the list of professional mediators;
- 6) is a suspect or accused in a criminal matter;
- 7) is dead.

[18 May 2017]

#### **Section 67.<sup>7</sup> General Principles of Mediator Procedure**

(1) The parties have equal rights in the mediator procedure. The parties shall take decisions by co-operating.

(2) A mediator shall try to facilitate an agreement between the parties, including by providing his or her proposals for fair settlement of a dispute.

(3) The attitude of the mediator shall be neutral against the parties. The mediator shall not be personally interested in the result of the mediator procedure. The mediator has a duty to notify the parties regarding all circumstances which may affect his or her independence or objectivity.

[18 May 2017]

#### **Section 67.<sup>8</sup> Course of the Mediator Procedure**

(1) If any of the parties has expressed a proposal to resolve the dispute, the mediator procedure shall take place on the basis of such proposal.

(2) If neither of the parties has expressed a certain proposal for the settlement of the dispute or such has been expressed by both parties, the mediator may express his or her proposal for the settlement of the dispute to the parties in writing and determine the time period within which the parties shall confirm or refuse his or her proposal in writing. If neither of the parties expresses objections against the proposal of the mediator within the time period specified by the mediator which is not less than one month after the day of sending the proposal, it is considered that they accept such proposal and that laid down therein is binding to the parties. The mediator shall expressly indicate in his or her proposal the legal effects that will set in if the parties do not object against the proposal within the time period indicated by the mediator.

(3) The mediator procedure shall be terminated upon a written agreement by the parties, except for the cases referred to in Paragraph four of this Section. The proposal of the mediator indicated in Paragraph two of this Section against which neither of the parties has objected within the time period specified by the mediator, shall be recognised as agreement of the parties.

(4) The mediator procedure shall be terminated without agreement in the following cases:

1) at least one party notifies the mediator in writing that he or she objects against continuation of the mediator procedure;

2) the mediator notifies the parties in writing regarding termination of the mediator procedure.

(5) Involvement of the mediator shall not affect the rights of the parties to turn to the court.

(6) The duration of the time period for bringing an action laid down in the laws and regulations shall be suspended on the day when a proposal to settle a dispute within the framework of the mediator procedure is expressed. The duration of the time period for bringing an action shall resume on the day when the mediator procedure is terminated.

[18 May 2017]

#### **Section 67.<sup>9</sup> Confidentiality of the Mediator Procedure**

(1) Information which is acquired in the mediator procedure or is related thereto, shall be confidential unless it is otherwise agreed by the parties.

(2) The mediator shall not disclose to one party the information provided by the other party, unless the other party has agreed to it.

(3) It is prohibited to interrogate the mediator and participants of the mediator procedure as witnesses regarding the facts which have become known to them during the mediator procedure.

(4) This Section shall not apply to the cases when the content of the agreement reached during the mediator process is necessary in order to implement the particular agreement.

[18 May 2017]

## Chapter XI Protection of Copyright and Related Rights

[22 April 2004]

### Section 68. Infringement of Copyright and Related Rights

(1) Violations of copyright and related rights shall be deemed to be activities by which the personal or economic rights of the holders of copyright and related rights are infringed, including:

1) fixation of copyright and related rights objects, their publication, communicating them to the public, their reproduction or distribution in any form without the consent from the holder of copyright and related rights;

2) activities, by which, without the permission of the holders of copyright and related rights, electronic information regarding the management of rights attached by holders of copyright and related rights has been extinguished, amended or transformed;

3) activities, by which an object of rights for which the electronic information regarding the management of rights has been extinguished, amended or transformed without permission is distributed, broadcast, communicated to the public or published;

4) the destruction or circumvention of such effective technological measures used by the holders of copyright and related rights which were intended in order to restrict or not allow any activity with the copyright and related right object, or other activities with technological measures if such have occurred without the permission of the holders of copyright and related rights;

5) the manufacture, importation, distribution, sale, lease, advertisement or use for other commercial purposes of such devices or the components thereof, as well as the provision of such services which are directed towards the circumvention of effective technological measures or the destruction thereof;

6) the non-payment of the compensation provided for in Sections 34, 35, 52 and 62.<sup>3</sup> of this Law;

7) non-provision of the information provided for in Section 40, Paragraph five of this Law or provision of such information to an inadequate extent;

8) not sending of the information provided for in Section 62.<sup>2</sup>, Paragraph five, Clause 1 of this Law before commencing the use of the respective work or related rights object or not sending of the information provided for in Section 62.<sup>2</sup>, Paragraph five, Clause 3 of this Law immediately after it has become known to the institution, which performed diligent search for rightholders or which has authorised a third party for this purpose.

(2) In determining whether an action qualifies as an infringement of copyright or related rights, the restrictions of copyright or related rights specified in this Law shall be taken into account.

(3) Copyright and related rights objects or the copies thereof produced as a result of illegal actions are infringing copies.

(4) Copyright and related rights objects protected in Latvia which have been imported from countries where such works are not protected by copyright or where the term of protection has expired shall also be deemed to be infringing copies.

[6 December 2007; 18 December 2014]

### Section 69. General Principles for the Protection of Rights of the Holders of Copyright and Related Rights

(1) Holders of copyright and related rights, collective management organisations, and other representatives of holders of copyright and related rights have the right:

1) to require of the person who has illegally used the object of copyright or related rights to recognise the rights of the holders of copyright and related rights;

2) to prohibit the use of their works;

3) to require that the person who has illegally used the object of copyright or related rights renew the status existing prior to the infringement of these rights, and that the illegal activity be stopped or that creative work not be threatened;

4) to require that the person stop the activities that are considered to be preparation for illegal use of the objects of copyright or related rights;

5) to require that the person who has illegally used the object of copyright or related rights compensate the losses and moral damage incurred by the holders of copyright and related rights;

6) to require that the infringing copies be destroyed;

7) to require that intermediaries the services provided by whom are used in order to infringe the rights of the holders of copyright and related rights, or who make such infringement possible, shall perform relevant measures for the purpose of preventing the users from being able to perform such infringements. If the intermediary does not perform relevant measures, the holders of copyright and related rights or their representative has the right to bring an action against the intermediary.

(2) To protect their rights, the holders of copyright and related rights or their representatives may initiate proceedings. If the rights that are to be protected in accordance with the procedures laid down in the Law on Collective Management of Copyright have been infringed, an action for protection of the infringed rights shall be brought by the holder of copyright and related rights himself or herself or, on behalf of the holders of copyright and related rights - by the collective management organisation.

(3) When bringing an action concerning infringement of rights to a court, the holders of copyright and related rights shall be exempt from the State fee. Collective management organisations, when bringing an action to court concerning infringement of rights that arise from the cases referred to in Section 3, Paragraph two of the Law on Collective Management of Copyright, shall be exempt from the State fee.

[8 February 2007; 18 May 2017]

#### **Section 69.<sup>1</sup> Procedures for Determining the Amount of Compensation for Losses and Moral Damage**

(1) If objects of copyright or related rights have been illegally used due to the fault of a person, the holders of copyright and related rights are entitled to require a compensation for the incurred losses and moral damage.

(2) The amount of compensation for losses and moral injury shall be determined in accordance with the Civil Law. When determining the amount of compensation for losses, the unfair earnings gained by the person who has illegally used the object of copyright or related rights may be taken into consideration.

(3) If the amount of actual losses cannot be determined in accordance with Paragraph two of this section, the amount of compensation for losses shall be determined according to the amount which could be received by the holders of copyright and related rights for the issue of a permit to use the object of copyright or related rights.

[8 February 2007]

#### **Section 70. Attachment and Destruction of Infringing Copies**

(1) Upon identifying infringing copies, the police or another competent State institution shall seize them.

(2) In deciding the liability of the offender, a decision shall be taken on destruction of the infringing copies. If the offender is not identified, a decision on destruction of the infringing copies shall be taken by the institution which has seized them.

#### **Section 71. Liability for Infringement of Copyright and Related Rights and the Rights of the Makers of Databases**

Depending on the nature of the infringement of copyright or of related rights and the consequences thereof, the person who has illegally used the object of copyright or related rights shall be held liable in accordance with the law.

[8 February 2007]

## **Chapter XII Administrative Offences in the Field of Copyright and Related Rights and Competence in Administrative Offence Proceedings**

[29 October 2020]

#### **Section 72. Administrative Offences in the Field of Copyright and Related Rights**

(1) For using an object of copyright or related rights in a public performance without the consent of the holder of copyright and related rights or without paying remuneration, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural person, but a fine of up to one thousand four hundred and twenty units of fine - on a

legal person.

(2) For reproduction of an object of copyright or related rights without the consent of the holder of copyright and related rights, except to make it available to the public by wire or by other means so that it is accessible in an individually selected location and at an individually selected time, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural person, but a fine of up to one thousand four hundred and twenty units of fine - on a legal person.

(3) For failure to pay a blank tape levy or compensation for reprographic reproduction of works, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural person, but a fine of up to one thousand four hundred and twenty units of fine - on a legal person.

(4) For making an object of copyright or related rights available to the public by wire or by other means so that it is accessible in an individually selected location and at an individually selected time and for the reproduction thereof to perform such activity without the consent of the holder of copyright and related rights or without paying remuneration, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural person, but a fine of up to one thousand four hundred and twenty units of fine - on a legal person.

(5) For retransmitting an object of copyright or related rights without the consent of the holder of copyright and related rights or without paying remuneration, a warning or a fine of up to one hundred and forty units of fine shall be imposed on a natural person, but a fine of up to one thousand four hundred and twenty units of fine - on a legal person.

[29 October 2020]

### **Section 73. Competence in the Administrative Offence Proceedings**

Administrative offence proceedings for the offences referred to in Section 72 of this Law shall be conducted by the State Police.

[29 October 2020]

## **Transitional Provisions**

1. The following are repealed:

1) the law On Copyright and Neighbouring Rights (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, No. 22/23, 1993);

2) the 11 May 1993 decision of the Supreme Council On the Coming into Effect of the Republic of Latvia Law On Copyright and Neighbouring Rights (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, No. 22/23, 1993).

2. The terms of protection of copyright and related rights provided for in this Law shall apply to all the works and objects of rights which were subject to protection on 1 July 1995 at least in one Member State of the European Union in accordance with the relevant national provisions regarding copyright and related rights.

[8 February 2007]

3. The provision of Section 35 of this Law regarding compensation to authors for reprographic reproduction shall come into force on 1 January 2001.

4. The provision of Section 19, Paragraph two of this Law regarding the payment of compensation to authors in respect of libraries which are financed from the State budget, or from the budgets of local governments, shall come into force from 1 January 2003.

5. The rights of protection of a database provided for in Section 57 of this Law shall apply also to such databases the creation of which was completed not earlier than 15 years before the coming into force of this Law and which are, on the day of the coming into force of the Law, in conformity with the provisions of Section 5, Paragraph two of this Law. Protection of a database shall not restrict previously acquired rights and shall not affect contracts which have been entered into before the coming into force of this Law.

6. The rights of performers specified in Section 48, Paragraph three, Clauses 3 and 7 of this Law shall be managed only collectively in relation to the performances fixed in phonograms which are fixed or published in Latvia up to 15 May 1993.

[22 April 2004; 18 May 2017]

7. Collective management organisations that have been established until 1 May 2004 shall, not later than by 1 September 2004, obtain a permit to perform the administration of economic rights on a collective basis.

[22 April 2004; 18 May 2017]

8. Until the date of entry into force of new Cabinet regulations, but not later than until 1 September 2007, Cabinet Regulation No. 444 of 27 April 2004, Regulations Regarding Public Lending, shall be applicable insofar as they are not in contradiction to this Law.

[8 February 2007]

9. The provisions of Sections 32, 36, 54, 55, 59, and 61 of this Law shall also be applicable with regard to the following states of the European Economic Area: the Republic of Island, the Principality of Liechtenstein and the Kingdom of Norway.

[6 December 2017]

10. A collective management organisation shall ensure that not later than until 1 June 2013 the information provided for in Section 66, Paragraph six of this Law is posted on its website.

[18 April 2013; 18 May 2017]

11. Section 66.<sup>1</sup> of this Law shall come into force from 1 January 2014.

[18 April 2013]

12. Amendments to Section 48 of this Law regarding supplementation thereof with Paragraphs nine, ten, eleven, twelve, thirteen, fourteen and fifteen, amendments to Section 55, Paragraph one regarding extending the term of protection of the rights of performers from 50 to 70 years, if the performance is fixed in a phonogram, and regarding supplementation of Section 55 with Paragraph 2.<sup>1</sup> regarding the term of protection of the rights of phonogram producers, shall be applicable to fixations of performances and phonograms, the term of protection of the protection of the rights of performers and phonogram producers of which has not expired on 1 November 2013, as well as to fixations of performances and phonograms created after 1 November 2013.

[28 November 2013]

13. A contract between a performer and a phonogram producer, by which the performer has transferred to the phonogram producer the right to fixation of his or her performance and which has been concluded prior to 1 January 2014, shall be in effect also during the period, by which the term of protection of the rights of performers and phonogram producers has been extended in accordance with Paragraph 12 of these Transitional Provisions, insofar as the opposite has not been laid down in the contract between the performer and the phonogram producer.

[28 November 2013]

14. The Ministry of Culture, shall until 1 February 2015, in accordance with Section 62.<sup>2</sup>, Paragraph eight of this Law, determine the sources of information to be used within the scope of diligent search for rightholders, publish their list in the official gazette *Latvijas Vēstnesis*, and post them on its website.

[18 December 2014]

15. The compensation amounts not requested and verified which are reserved in the accounts of collective management organisations collected from the users of the works and related rights objects until the day of deleting Chapter X of this Law, shall be recognised as non-disbursable revenue from the right management within the meaning of Section 23 of the Law on Collective Management of Copyright if, within three years from the day when such amount has been paid into the account of the organisation, the holder of copyright and related rights to whom such compensation is due has not been verified or found. The collective management organisations have no obligations to apply Section 22 of the Law on Collective Management of Copyright in respect of the abovementioned compensation amounts.

[18 May 2017]

16. The permits which have been issued to collective management organisations in accordance with Section 67, Paragraph one of the Law on Collective Management of Copyright shall be in force and are equalled to the permits issued in conformity with the Law on Collective Management of Copyright.

[18 May 2017]

## **Informative Reference to European Union Directives**

[8 February 2007; 28 November 2013; 18 December 2014; 18 May 2017; 6 December 2018]



This Law contains legal provisions arising from:

- 1) Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;
- 2) Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;
- 3) Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;
- 4) Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights;
- 5) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;
- 6) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society;
- 7) Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art;
- 8) Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights;
- 9) Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights;
- 10) Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works;
- 11) Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market;
- 12) Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.

This Law has been adopted by the *Saeima* on 6 April 2000.

President V. Vīķe-Freiberga

Rīga, 27 April 2000

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<sup>1</sup> The Parliament of the Republic of Latvia

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